UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/211,942	12/15/98	LARSON J	884.078US1

WM02/0727
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EXAMINER	
MENGISTU, A	
ART UNIT	**PAPER NUMBER**
2673	7

DATE MAILED: 07/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/211,942	Jim A. Larson et al
Examiner	**Art Unit**
AMARE MENGISTU	2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Jul 13, 2001*

2a) ☒ This action is **FINAL.** 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *4-15* is/are pending in the applica

4a) Of the above, claim(s) _____ is/are withdrawn from considera

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *4-15* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirem

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 4-6,8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over ***Ohashi*** in view of ***Applicant's Admitted Prior Art (AAPA)***.

As to claims 4-15, ***Ohashi*** discloses an input stylus composing: a computer processor (30 (CPU); a housing (fig.2) having a first end and a second end; a microphone (fig.2 (71)) located at the second end for receiving acoustical signals; a transmitter (fig.2(16,18)) located in the housing for transmitting electronic voice signals received by the microphone to an external device (see, Abstract, col.2, lines 39-53); and a switch circuit (fig.2(17)) for activating the transmitter ; the transmitter transmits the voice signal via wireless (fig.6a (18)). ***Ohashi*** discloses a computer processor transmitter for transmitting translated voice data (see, col.2, lines 39 - col.3, lines 21). It is obvious to one skill in the art to have recognize that the ***Ohashi*** 's CPU (30) has to have a voice translation software to translate voce signals into machine readable data in order for the computer to display the voice data transmitted from the stylus .

Ohashi teaches a display screen for producing input signals in response to a physical contact by stylus (see, Abstract, col.2, lines 39-53). ***Ohashi*** did not explicitly disclose that the device is a mobile personal digital assistance having a touch screen display. However, ***Applicant's Admitted Prior Art (AAPA)*** clearly states that it is well known in the art to use for a mobile personal computer such as lap-tap computer and personal digital assistant to have a touch screen display (pages 1, line 10 - page 2, lines 2).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have been motivated to use the stylus of ***Ohashi*** into the mobile personal digital assistance of ***Applicant's Admitted Prior Art (AAPA)*** because this will provide easy to carry with a greater mobility.

3. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over ***Ohashi*** in view of ***Applicant's Admitted Prior Art (AAPA)***. as applied to claim 1,3-6,8-15 above, and further in view of ***Epperson*** (5,247,137).

As to claims 1 and 7, ***Ohashi*** (as modified by ***Applicant's Admitted Prior Art (AAPA)*** clearly teaches a stylus, but failed to teach the stylus having a power supply. The patent of Epperson suggest that it conventional for a stylus to have a poser supply (fig.1(5,6)).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have incorporated the power supply of Epperson into the stylus of ***Ohashi***, since this will allow the stylus of ***Ohashi*** with a power source to ensure simplicity and higher efficiency of operation.

Response to Arguments

4. Applicant's arguments with respect to claims 4-15 have been considered but are moot in view of the new ground(s) of rejection.

A. Applicant argues that there is no motivation to combine the references. However, It is not necessary that the references actually suggest expressly or in so many words, that changes or improvements that applicant has made. The test for combining references is what the references as a whole would have suggested to one of ordinary skill in the art. **In re Shckler, 168 USPQ 716 (CCPA 1971); In re Mc Laughlin 170 USPQ 209 (CCPA 1971); In re Young 159 USPQ 725 (CCPA 1968).**

B. If it is obvious to combine references for one reason it is obvious to combine references for all reasons. **In re Graf, 145 USPQ 197 (CCPA 1965); In re Finsterwalder, 168 USPQ 530 (USPQ 1970); In re Kronig, 539 F 2d 1300, 190 USPQ 425 (CCPA 1976). In re Dillon, 892 F.2d 1544, 13 USPQ 1337 (1989); In re Dillon 919 F.2d 688, 16 USPQ 1897 Fed.**

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. *Any inquiry concerning this communication should be directed to Amare Mengistu at telephone number (703) 305-4880.*

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 , (for formal communications intended for entry)

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

A. Mengistu

Art unit 2673

July 26,2001

Amare Mengistu
Primary Examiner